

This listing of claims will replace all prior versions, and listing, of claims in the application.

**Listing of Claims:**

1. **(Currently Amended)** A pharmaceutical composition comprising metaxalone in a pharmaceutically acceptable solubility improved form and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has enhanced oral bioavailability a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when they are orally administered to a patient on an empty stomach, wherein at least 99% of the metaxalone has a particle size not more than about 10µm in diameter.

2. **(Cancelled)**

3. **(Cancelled)**

4. **(Cancelled)**

5. **(Cancelled)**

6. **(Cancelled)**

7. **(Original)** A pharmaceutical composition as claimed in claim 1, wherein the composition comprises a mixture of metaxalone and a solubilizing agent.

8. **(Cancelled)**

9. **(Cancelled)**

10. **(Currently Amended)** A pharmaceutical composition as claimed in claim 9, wherein the metaxalone has specific surface area per unit volume of more than  $2.5\text{m}^2/\text{cm}^3$ .

11. **(Previously Presented)** A pharmaceutical composition as claimed in claim 10, wherein the metaxalone has specific surface area per unit volume of more than  $3.0\text{m}^2/\text{cm}^3$ .

12. **(Cancelled)**

13. (Cancelled)

14. (Currently Amended) A pharmaceutical composition as claimed in claim 1, wherein the metaxalone comprises the following particle size distribution characteristics: 99% undersize value of 10 $\mu$ m, 90% undersize value of 5 6 $\mu$ m, and 50% undersize value of 3 $\mu$ m.

15. (Previously Presented) A pharmaceutical composition as claimed in claim 1, wherein the amount of metaxalone is in the range of 400mg to 1600mg.

16. (Previously Presented) A pharmaceutical composition as claimed in claim 1, wherein the pharmaceutically acceptable excipient comprises a wetting agent.

17. (Previously Presented) A pharmaceutical composition as claimed in claim 16, wherein the wetting agent comprises a surfactant.

18. (Previously Presented) A pharmaceutical composition as claimed in claim 17, wherein the surfactant comprises sodium lauryl sulfate.

19 – 22 (Cancelled)

23. (Previously Presented) A pharmaceutical composition as claimed in claim 1 wherein the pharmaceutical composition further comprises an analgesically effective amount of a non-steroidal anti-inflammatory drug, wherein said nonsteroidal anti-inflammatory drug comprises a propionic acid derivative, acetic acid derivative, fenamic acid derivative, biphenylcarboxylic acid derivative or an oxicam, or the pharmaceutically acceptable salts thereof.

24. (Cancelled)

25. (Cancelled)

26. (Cancelled)

27. (Cancelled)

28. (Cancelled)

29. **(Currently Amended)** A method of relieving discomfort associated with acute, painful musculo-skeletal conditions comprising orally administering to a patient a pharmaceutical composition comprising metaxalone in a pharmaceutically acceptable solubility-improved form and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has enhanced oral bioavailability a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when they are orally administered to a patient on an empty stomach, wherein at least 99% of the metaxalone has a particle size not more than about 10 $\mu$ m in diameter.

30. **(New)** A method comprising orally administering to a patient a pharmaceutical composition comprising metaxalone and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when orally administered to a patient on an empty, wherein the metaxalone has specific surface area per unit volume of more than about  $2.5\text{m}^2/\text{cm}^3$ .

31. **(New)** A pharmaceutical composition comprising metaxalone and at least one pharmaceutically acceptable excipient, characterized in that the pharmaceutical composition has a greater rate and extent of absorption as compared to the pharmaceutical composition of metaxalone described in New Drug Application No. 13-217 when orally administered to a patient on an empty, wherein the metaxalone has specific surface area per unit volume of more than about  $2.5\text{m}^2/\text{cm}^3$ .